



Patent
Attorney's Docket No. 010830-121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Maria DALKO et al.) Group Art Unit: 1651 #7
M.QJ
10/17/02
Application No.: 10/076,418) Examiner: Michael V. Meller
Filed: February 19, 2002) Confirmation No.: 9294
For: COMPOSITION COMPRISING)
VITAMIN C PREPARED DURING)
APPLICATION, USE OF ENZYMES)
FOR FORMING VITAMIN C FOR)
TOPICAL USE; AND A COSMETIC)
TREATMENT METHOD)

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RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Official Action (Requirement for Restriction) mailed August 20, 2002, Applicants respectfully elect Group I, (*i.e.*, Claims 1-8 and 11-17, drawn to compositions) with traverse. Applicants also request examination of Group III (*i.e.*, Claims 18-24, drawn to methods of preparing compositions). No distinction between Groups I and III was made. Accordingly, examination of both groups is reasonable.

In terms of an election of species, Applicants designate: the precursor of Claim 5, *i.e.*, L-galactono-1,4-lactone; and the enzyme of Claim 7, *i.e.*, L-galactono-1,4-lactone-dehydrogenase.

Applicants respectfully request that Claim 9 be examined with the claims of Group I. Claim 9, directed to separate packaging, is broad enough to cover Claim 11, directed to encapsulated forms. Because Claim 11 is contained in Group I, examination of Claim 9 with this Group is reasonable.

Moreover, Applicants respectfully request that the Examiner modify the requirement for restriction and consider, pursuant to M.P.E.P. § 803, the other groups of claims along with Group I for prosecution at this time. M.P.E.P. § 803 states, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants believe it would not be an undue burden upon the Examiner to examine all claims at the present time.

Accordingly, modification of the requirement for restriction is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Erin M. Dunston
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(703) 836-6620

Date: October 10, 2002



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RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTED

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

A Petition for Extension of Time is also enclosed.

A Terminal Disclaimer and a check for [] \$55.00 (2814) [] \$110.00 (1814) to cover the requisite Government fee are also enclosed.

Also enclosed is _____.

Small entity status is hereby claimed.

Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the [] \$370.00 (2801) [] \$740.00 (1801) fee due under 37 C.F.R. § 1.17(e).

Applicant(s) previously submitted ___, on ___, for which continued examination is requested.

Applicant(s) request suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

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No additional claim fee is required.
 An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

A claim fee in the amount of \$ _____ is enclosed.

Charge \$ _____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:



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